

IN RE: PETITION FOR ZONING VARIANCE  
SEC Featherbed Lane and  
Richardson Road  
(1921 Featherbed Lane)  
2nd Election District  
2nd Councilmanic District  
Reginald W. Kelly, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 11 ft. from the property line on a corner lot in lieu of the minimum required 25 feet with a setback of 41 feet to the center line in lieu of the required 50 feet and to amend the Final Development Plan of Resubdivision of part of Block C, lot #3 to allow construction outside of the building envelope, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Reginald W. Kelly, appeared and testified. There were no Prostants.

Testimony indicated that the subject property, known as 1921 Featherbed Lane, consists of 6,520 square feet more or less zoned D.R.5.5 and is currently improved with a single family dwelling. The Petitioners propose construction of a single car garage on the northeast side of the existing dwelling. Due to the layout of the land and the existing improvements, the proposed garage addition will fall within the limits of the side yard setback requirements. The Petitioner stated that to grant the variance requested would not create any detriment to the health, safety or general welfare of the public.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of May, 1989 that the Petition for Zoning Variance to permit a side yard setback of 11 ft. from the property line on a corner lot in lieu of the minimum required 25 feet with a setback of 41 feet to the center line in lieu of the required 50 feet and to amend the Final Development Plan of Resubdivision of part of Block C, lot #3 to allow construction outside of the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be

responsible for returning, said property to its original condition; and,

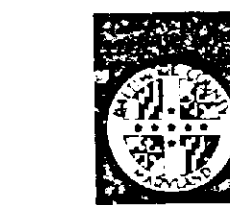
- 2) The Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartment. The addition shall contain no kitchen facilities.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:mmm

cc: Peoples Counsel

May 23, 1989



Dennis F. Rasmussen  
County Executive

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Mr. and Mrs. Reginald W. Kelly  
1921 Featherbed Lane  
Baltimore, Maryland 21207

RE: Petition for Zoning Variance  
Case #89-470-A

Dear Mr. and Mrs. Kelly:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner

JRH:mmm  
att.  
cc: Peoples Counsel

File ✓

Zoning Description

Beginning at a point on the northeast corner of Featherbed Lane and Richardson Rd. Being Lot No. 3 in the Subdivision. Resubdivision of part of Block C, Richardson Heights 7-148. Block No. 43 Folio 77. Also known as 1921 Featherbed Lane in the 2nd Election District.

PETITION FOR ZONING VARIANCE #576  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-470-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 1801.2(c)(3) of the Baltimore County Zoning Regulations to allow a side yard setback of 11 ft. from the property line on a corner lot in lieu of the minimum required 25 ft. with a setback of 41 ft. to the center line in lieu of the required 50 ft. and to amend the Final Development Plan of Resubdivision of part of Block C, lot #3 to allow construction outside of the building envelope, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1- Addition
- 2- to side yard setback
- 3- 576-A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

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Signature

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 20, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Apr 20, 1989.

THE JEFFERSONIAN,

S. Zeke Oliver

Publisher

PO 11002  
#8728913  
ca 89-470-A  
price \$ 45.31

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd

Posted for: Variance

Petitioner: Reginald W. Kelly, et ux

Location of property: 1921 Featherbed Lane and Richardson Road

Location of Sign: 1921 Featherbed Lane

Remarks: See forth of 1921 Featherbed Lane

Posted by: J. Robert Haines

Signature

Date of return: April 25, 1989

Number of Signs: 1

THE NORTHWEST STAR

Manager

Cost of Advertisement \$21.64

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Mr. and Mrs. Reginald W. Kelly  
1921 Featherbed Lane  
Baltimore, Maryland 21207

RE: Petition for Zoning Variance  
CASE NUMBER: 89-470-A  
SEC Featherbed Lane and Richardson Road  
1921 Featherbed Lane  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Reginald W. Kelly, et ux  
HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$21.64 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional charge of \$21.64 per set, each such set not returned.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 5/16/89 ACCOUNT: PCH-615-000

AMOUNT: \$ 21.64

RECEIVED FROM: Reginald W. Kelly

FOR: PCH-615-000 89-470-A

VALIDATION OR SIGNATURE OF CASHIER

DATE: 5/16/89

INITIALS: J. Robert Haines

DATE: 5/16/89

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DATE: 5/16/89

INITIALS: J. Robert Haines



April 6, 1989

# NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-470-A  
SEC Featherbed Lane and Richardson Road  
1921 Featherbed Lane  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Reginald W. Kelly, et ux  
HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 2:00 p.m.

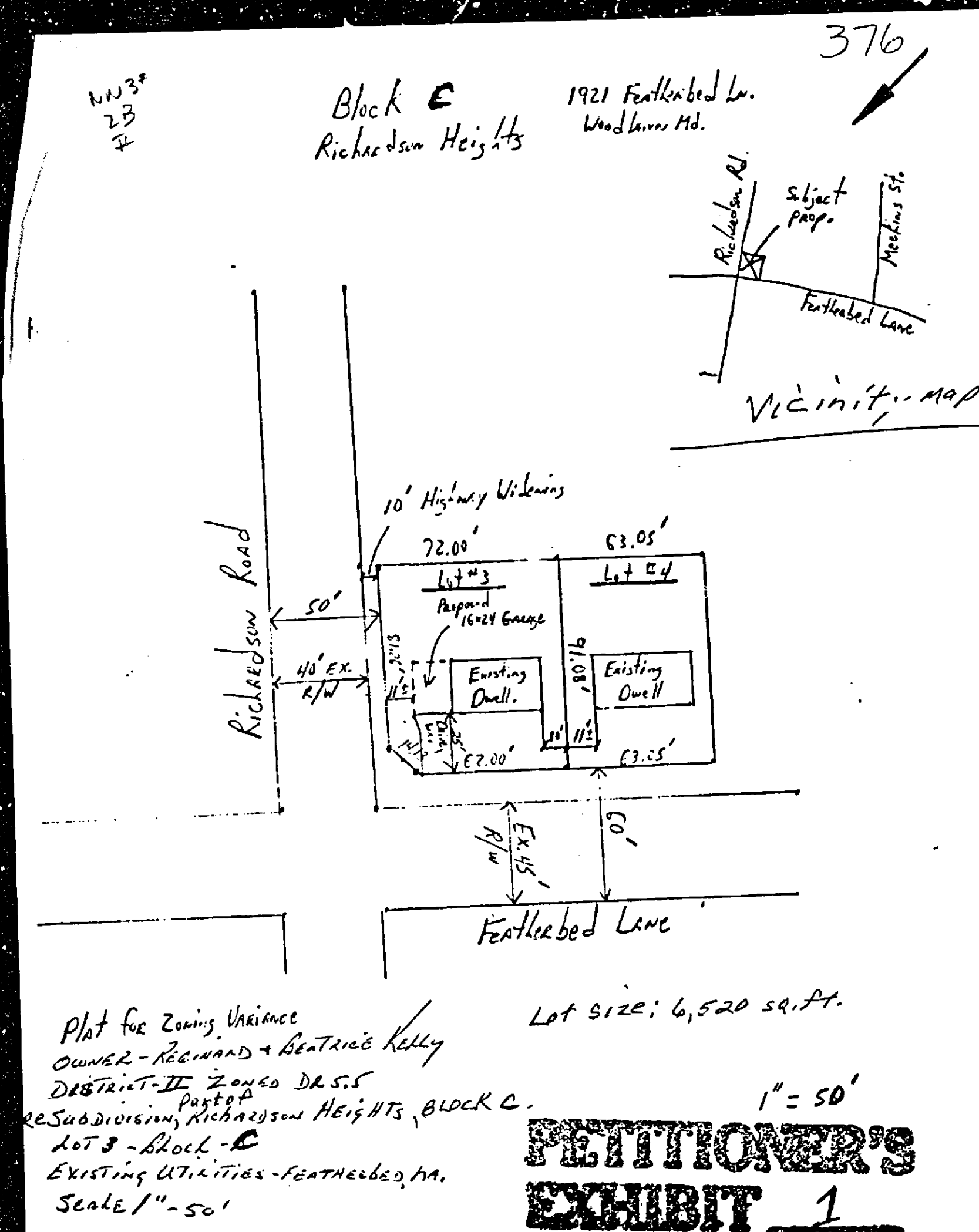
Variance to allow a side yard setback of 11 ft. from the property line on a corner lot in lieu of the minimum required 25 ft. with a setback of 41 ft. to the street centerline in lieu of the required 50 ft. and to amend the Final Development Plan of Resubdivision of part of Block C, Lot 3 to allow construction outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Kelly  
File



89-470-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
22nd day of March, 1989.

Petitioner Reginald W. Kelly, et ux  
Petitioner's Attorney \_\_\_\_\_  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 1, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. Reginald W. Kelly  
1921 Featherbed Lane  
Baltimore, MD 21207

RE: Item No. 376, Case No. 89-470-A  
Petitioner: Reginald W. Kelly, et ux  
Petition for Zoning Variance

Dear Mr. Kelly:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

April 21, 1989



Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381, and 382.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lab

RECEIVED  
APR 28 1989  
ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Reginald W. Kelly, et ux

Location: 1921 Featherbed Lane

Item No.: 376

Zoning Agenda: March 21, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* 3-17-89  
Planning Group  
Special Inspection Division  
NOTED & APPROVED: *Paul H. Reincke*  
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: May 15, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-470-A  
Item No. Item 376

Re: Reginald W. Kelly, et ux

The petitioners request a variance to allow a side street setback of 11 feet in lieu of the required 25 feet and requisite setbacks to the street centerline. In reference to this request, staff offers no comment.

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